IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Special Appeal No. 34 of 2005

Public Service Commission
Uttaranchal, Ayog Bhawan,
Gurukul Kangri,
Kankhal, District Haridwar .....Appellant

Versus

Mangal Singh s/o Sri Chait Singh Mandrawal,
R/o Village Naithana, Pauri Chauras,
District Their Garhwal. ....Respondent

.....

Special Appeal No. 122 of 2004

State of Uttaranchal through
Secretary, Education, Dehradun ....Appellant

Versus

Mangal Singh s/o Sri Chait Singh Mandrawal,
R/o Vilalge Naithana, Pauri Chauras,
District Tehri Garhwal. ....Respondent

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Mr. K.P. Upahdyaya, Standing Counsel for the State of Uttaranchal.
Mr. B.D.Kandpal, Standing Counsel for the Uttaranchal Public Service Commission.
Mr. Rajendra Dobhal, Advocate, counsel for the respondent.

JUDGMENT

Coram: Hon. Rajeev Gupta, C. J.
Hon. P.C. Verma, J.

P.C. Verma, J. (Oral)

1. These two Special Appeals have been filed against the judgment and order dated 15.10.2003 passed by the learned Single Judge in Writ Petition No. 1230 (S/S) of 2003. Since these two appeals arise from one judgment, therefore, they are being disposed of by one and common judgment.

2. The only question that falls for consideration in these appeals is as to whether for computation of the minimum age limit and maximum age limit prescribed under Rule 6 of the U.P. Recruitment Service (Age Limit) Rules, 1972, first day of July of the calendar year is inclusive or exclusive.

Rule 6 reads as under:

> **"6. Computation of Age:** Notwithstanding anything to the contrary contained in any service rules for the services and posts, whether within or outside the purview of Public Service Commission, a candidate must have attained the minimum age and must have not attained the maximum age, as prescribed from time to time, on the first day of July of the Calendar year, in which vacancies for direct recruitment are advertised by the Public Service Commission or any other recruiting authority, or as the case may be, such vacancies are intimated to the Employment Exchange."

A bare perusal of the Rule itself shows that a candidate **must** attain the minimum age on the first July of recruitment year and **must not have** attained the maximum age on first July of the recruitment year. Thus, the 1st July is inclusive and not exclusive, meaning thereby a candidate must attain age of 21 years on 30th June and must not attain the age of 35 years on 30th June. In the advertisement pursuant to which the writ petitioner (respondent herein) has applied for recruitment under Clause 8, it is specifically mentioned that a candidate must not have born after 01.07.1982 and before 02.07.1968. In the present appeals, the writ petitioners was born on 01.07.1968 meaning thereby he had attained the age of 35 years on 30th June, 2003. Thus, in view of the Rule 6 of U.P. Recruitment Service (Age Limit) Rules, 1972 and Clause 8 of the Advertisement, the petitioner was over-age.

3. For the reasons recorded above, we set aside the impugned judgment and allow the special appeals. Writ petition is dismissed. No order as to costs.

(P.C. Verma, J.) **(Rajeev Gupta, C. J.)**

14.02.2006
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